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TO

Amend further the Law relating to Local Government in Ireland and for other purposes connected therewith. A.D. 1919.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 5 1.—(1) At a contested election of members of a local authority for any local electoral area constituted under this Act, any election of the full number of members for the area shall be according to the principle of proportional representation, each elector having one transferable vote as defined in this
10 Act.

Proportional
representa-
tion at local
elections.

- (2) For the purpose of forming electoral areas suitable for the application of the principle aforesaid, the Local Government Board shall by Order divide the several counties, boroughs, urban and rural districts, poor law unions and towns into local
15 electoral areas so as to constitute—

- (a) In every county, county electoral areas for the election of county councillors;
- (b) In every rural district, district electoral areas for the election of rural district councillors;
- 20 (c) In every borough, borough electoral areas for the election of aldermen and councillors;
- (d) In every urban district, not being a borough, district electoral areas for the election of urban district councillors;

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- (e) In so much of every union as is situated in an urban district, poor law electoral areas for the election of guardians; and
- (f) In every town, town electoral areas for the election of town commissioners. 5
- (3) The number of members to be elected for each local electoral area shall be such as may be assigned thereto by Order of the Local Government Board, and in constituting the local electoral areas and assigning members thereto the Board shall, so far as practicable, secure— 10
- (a) that the total number of members of any local authority other than a rural district council or board of guardians shall not be altered;
- (b) that the number of members of a rural district council or board of guardians be reduced as nearly as may 15 be by one half, or, where the Local Government Board amalgamate unions, by such proportion as may be suitable for the board and council or councils to be formed by reason of such amalgamation;
- (c) that the number of members assigned to the local 20 electoral areas shall in each case be such as to give equal representation upon the basis of population;
- (d) that the number of members assigned to any local electoral area shall not be more than nine nor less 25 than three.
- (4) Except so far as is necessary for the purpose of forming local electoral areas, nothing in this section shall affect any existing district electoral divisions, or the powers of the Local Government Board with respect thereto.
- (5) The Local Government Board may by Order apply the 30 provisions of this section with the necessary modifications to the election of the members of any kind of local body other than the local authorities mentioned in this section upon the application of the local body concerned.

Retirement
of aldermen
and certain
councillors
and town
commis-
sioners on

2. On the ordinary day of retirement of aldermen, coun- 35
cillors, and commissioners in the year nineteen hundred and
twenty all the aldermen and councillors for any borough and
all the councillors for any other urban district, and all the
commissioners for any town shall, notwithstanding any enact-

ment to the contrary and notwithstanding any system of rotation in force, go out of office, and their places shall be filled by newly elected aldermen, councillors, and commissioners.

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next ordinary day of retirement.

3. In every urban district not being a borough and in every town the councillors and commissioners shall all be elected triennially.

Triennial election of councillors and commissioners in certain urban districts and towns. Triennial election of aldermen and councillors in boroughs.

4.—(1) In every borough the term of office of an alderman shall be three years, and, subject to the provisions of this section, the aldermen and councillors shall all be elected together triennially and shall retire together.

(2) At the triennial election of aldermen and councillors for any borough electoral area the number of candidates to be elected shall be the aggregate of the number of aldermen and number of councillors assigned to the area, and, where a poll is taken, the first and every other candidate successively declared to be elected until the number of aldermen for the area is completed shall be alderman or aldermen for the area, and the remaining candidates declared to be elected shall be the councillors for the area.

(3) If there is no poll at any election, such of the elected candidates for the borough electoral area as may be determined by the borough council shall be alderman or aldermen, and the remaining elected candidates shall be councillors for the borough electoral area, and the determination of the question which of the said candidates shall be alderman or aldermen shall be the first business to be transacted at the quarterly meeting of the borough council next after the election.

When the question has been determined the elected candidates shall be deemed to have come into office as alderman or aldermen and as councillors respectively for the borough electoral area on the last preceding ordinary day of retirement, and pending the determination of the question the said candidates shall be deemed to be members of the borough council and its powers and constitution shall not be prejudicially affected.

5. The first triennial elections after the passing of this Act of aldermen and councillors of boroughs, councillors of urban districts, and commissioners of towns shall be held on the ordinary day of election of councillors and commissioners in the year nineteen hundred and twenty, and the subsequent triennial

Date of triennial election and ordinary day of retirement in boroughs,

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other urban
districts, and
towns.

elections shall be held on the ordinary day of election in each third subsequent year, and all the aldermen, councillors and commissioners who hold office on any such day shall retire together on the next following day which shall be the ordinary day of retirement of aldermen, councillors, and commissioners, 5 and the newly elected aldermen, councillors and commissioners shall (save as is otherwise provided in this Act) come into office on the ordinary day of retirement.

Alteration
of date of
elections of
county coun-
cillors, rural
district
councillors,
and guar-
dians, and
postpone-
ment of next
elections.

6.—(1) The next triennial elections of county councillors, rural district councillors, and guardians in urban districts, instead 10 of being held on the first day of June in the year nineteen hundred and nineteen or such day not more than seven days later or earlier than that day as may be fixed by the county council with respect to their county, shall be further postponed until the ordinary day of election in the year nineteen hundred 15 and nineteen as fixed by, or in pursuance of, this section, and the existing term of office of councillor and guardian shall accordingly be further extended so as to expire on the day next after such day of election.

(2) The ordinary day of election of county councillors, rural 20 district councillors, and guardians in urban districts shall, in the year nineteen hundred and nineteen and each third subsequent year, be the first day of December, or such day, not more than seven days later or earlier than that day, as may be fixed by the county council with respect to their county, and accordingly 25 subsection (7) of section ninety-four of the Local Government (Ireland) Act, 1898, shall have effect with the substitution of the first day of December for the first day of June, and any date or period dependent upon or fixed by reference to the last-mentioned date shall be adjusted accordingly. 30

(3) Any provisions of any Act, Order, or regulations relating to county councillors, rural district councillors, or guardians, or to chairmen, vice-chairmen, deputy vice-chairmen, or committees of those bodies shall be construed as if they were modified in such manner as to give full effect to the provisions of this 35 section.

Default
of local
authorities
in perform-
ance of
statutory
duties.

7.—(1) If the Local Government Board are satisfied, after such inquiry as they deem necessary, that any county council, district council, or town commissioners have failed or are unable to perform all or any of the duties imposed upon them by or 40 in pursuance of any statute, the Board may by Order appoint

some person to discharge the duties of the council or commissioners or such of those duties as may be specified in the Order.

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(2) From and after the making of any such Order and so long as it remains in force the powers and duties of the council or commissioners, or, where the Order relates to the performance of any specified duty, the powers and duties of the council or commissioners in relation to that duty, shall be exercised and performed by the person thereby appointed instead of by the council or commissioners, and the remuneration and expenses of such person as fixed by the Board shall be a debt due by the council to the Board, and shall be paid out of such rate or fund as the Board may determine.

8.—(1) The Local Government Board may make Orders—

*Orders of
the Local
Government
Board.*

(a) Prescribing the method of voting and transferring and counting votes at any election conducted according to the principle of proportional representation in pursuance of this Act, and the duties of returning officers in connexion therewith; and

(b) Adapting any of the provisions of the Local Government (Ireland) Act, 1898, or any Order of the Lord Lieutenant in Council made thereunder, or of any other enactment relative to local elections, to county or district electoral divisions or wards, to the powers and duties of local authorities, or to members and officers thereof in such manner as may appear to the Board to be necessary in order to bring such provisions into conformity with the provisions of this Act.

(2) If any difficulty arises as to the holding of the first triennial election of members of any local authority held after the commencement of this Act, the Local Government Board may by Order do any matter or thing which appears to them necessary for the proper holding of the election.

(3) Any Order made by the Local Government Board under this Act may be revoked or varied by a subsequent Order.

9. The enactments specified in the schedule to this Act, are hereby repealed to the extent mentioned in the third column of that schedule. *Repeals*

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Interpreta-
tion.

10. In this Act, unless the context otherwise requires, the expression "transferable vote" means a vote—

- (a) capable of being given so as to indicate the voter's preference for the candidates in order; and
- (b) capable of being transferred to the next choice when the vote is not required to give a prior choice the necessary quota of votes, or when, owing to the deficiency in the number of the votes given for a prior choice, that choice is eliminated from the list of candidates.

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The expression "members of a local authority" includes aldermen, councillors, guardians, and town commissioners.

The expression "town" means any town as defined in the Local Government (Ireland) Act, 1898, other than an urban district.

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Short title,
construction,
and citation.

11. This Act may be cited as the Local Government (Ireland) Act, 1919, and shall be construed as one with the Local Government (Ireland) Acts, 1898 to 1902, and may be cited together with those Acts as the Local Government (Ireland) Acts, 1898 to 1919.

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SCHEDULE.

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Session and Chapter.	Title or Short Title.	Extent of Repeal.
5 3 & 4 Vict. c. 108.	The Municipal Corporations (Ireland) Act, 1840.	Sections sixty-one and sixty-two.
17 & 18 Vict. c. 103.	The Towns Improvement (Ireland) Act, 1854.	Section twenty-three; section twenty-four, so far as respects the rotation of the Commissioners.
10 61 & 62 Vict. c. 37.	The Local Government (Ireland) Act, 1898.	In subsection (3) of section two the words "in this Act referred to as county electoral divisions," and the words from "Provided that" to the end of the subsection; in subsection (4) of section two the words from "may give" to "that division and"; in paragraph (e) of subsection (2) of section twenty-one the words from "Provided that" to the end of the paragraph; in subsection (1) of section twenty-three the words from "Provided that" to the end of the subsection; in subsection (3) of section twenty-three paragraph (b) and the words from "may give" in paragraph (c) to "the division and"; paragraphs (c) and (d) of section twenty-four.
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—	The Local Government (Application of Enactments) Order, 1898.	In Article 26 of the Schedule the provisions with respect to the division of an urban county district into wards, to the alteration of the number or boundaries of the wards and to the apportionment of the members of the council among the wards; Article 31.
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